G.P. N & H.

1930.

Department of Land Rev and Settlement

OFFICE Board of Rev

STATION Madras.

Rev No. 2575

F: 3414/30.

Dated 26-8-30

	Date	Initial
To whom sent Collr of Bellary	Given for copying	
	Copied 28/8/30	
	Examined	
	Signed	
	Given for despatch	
	Despatched DES. 30 AUG 1930	
	Indexed	
Pages in the file Twenty.	To be destroyed on*	

(SUBJECT.)

Advances - Loans - (Bellary) - Bellary taluk - Sidiguiamola village Kurnba ryot - L.I.L. 1252/30 - Excess payment of Rs. 100/- off - Orders passed.

*Not to be filled in in the case of permanent records.

RP97

C.F. 32.

In reply, please quote number, date and short title.

Revenue DEPARTMENT.

Received ..... *Registered* J-3414/4

From (Name) E. Bennett Esq., I.C.S.,

(Designation) Collector

Post Box ....., (Station) Bellary

Telegraphic Address .....

BOARD OF REVENUE
13 JUN 1930
REV. & SETTLEMENT

To The Secretary to the Commissioners,

Land Revenue & Settlement,

Madras.

Ref. C. *No.* 2158/30, *dated* 7-6-1930 192

Sir,

ENCLOSURES 2

L.Os 1252 & 1253

SPARE COPIES .....

Advances - loans - Bellary taluk - Sidiginamola village - L.I.L.1252 & 1253/ Fasli 1336 - write off of Rs.100/- recommended.

One Kuruba Doddappa of Sidiginamola village was granted Rs. 200/- in L.I.L.1252 of Fasli 1336 and Rs.300/- in L.I.L 1253 of fasli 1336 both bearing 7½% but the cash chitta shows that Rs.300/- was paid for each loan i.e., Rs.600/- in all. The borrower on being examined denies having been paid Rs.600/- The loan bond and security bond have been drawn up for Rs.200/- in L.I.L.1252 and Rs.300/- in L I L 1253 of fasli 1336. The vouchers which were obtained from the Accountant General, Madras, for verification show that Rs.300/- was paid under each loan. An amount of Rs.100/- was thus paid in excess of the sanctioned loan in L.I.L 1252 of 1336. The borrower refuses to execu loan order in respect of L.I.L. 1252/36. The Special Loans Tahsildar M.R.Ry. G. Seshachallam is responsible for paying the excess. The excess amount of Rs.100/- paid to the party cannot be legally collected from him, when the loan bond executed by him is for Rs.200/- only. This formed the subject matter of charge III (5) framed against Mr. Seshachallam. The charge was admitted and the Board has taken this into consideration

consideration while awarding the punishment of reduction. I recommend that the amount of Rs.100/- may be written off the accounts.

2. The 2 loans records are enclosed.

Sriao

F.S. 9/6. For Collector.

10-6-80

3

Subject.— M. Y. XXII-A-19—89,500 23-4-30 (6)

FOR MEMBER.

Advances - Loans - (Bellary)

Bellary taluka - Sidiginamola village - L.D.L 1252/36. Excess payment of Rs 100 - Waste Recovery

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :— M 1+2 Cf

Register No. _____, From the 7 3414 - Q, No. _____, dated _____ 193

" _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION.— Ref C. No. 7 3414, dated 23 - 6 - 1930
30-1

The Collr. says that the excess amount of Rs 100 paid to the party (in L.I.L.O 1252/36) cannot be legally collected from him when the security bond executed by him is for Rs 200 only. The Board considers that ~~As~~ the remarks (Form no 12 at p. 126 of the Pahbavi Manual) which will contain the signature of the borrower and ~~clearly states~~ make mention of the purpose for which the amount is received ~~it~~ by itself can be held to be a valid legal document precluding the borrower from ~~against~~ disputing the amount ~~mentioned~~ entered therein. ~~It is not known clear why the Collr. Considers that the~~

Recd
2-6-30

62

~~amount is not legally recoverable from the borrower~~. The Collr. is requested to consider this aspect of the case in consultation, ~~if necessary~~, with the local Govt. Pleader and submit ~~definite~~ fresh proposals. The voucher in question should also be submitted.

WD. 20.6.30.
20.6.30

KG 20.6.30

20.6.30

To

The Collr. of Bellary.

with two loan files

(K) (I) C.No. 1252 & 1253 of 1336 F.L.

to be returned with reply

F put up below

Dy. CD

28/VI

26/6

C.F. 32-(a).

In reply, please quote number, date and short title *

Revenue DEPARTMENT.

74063

Received 3-JUL1930 Registered

LAND REV. & SETTLEMENT

From (Name) E. Bennett Esq., I.C.S.,

(Designation) Collector

Post Box ....., (Station) Bellary

Telegraphic Address .....

To The Secretary to the Commissioners,

Land Revenue & Settlement,

Madras.

Ref.C. *No.* 2158/30, *dated* 30-6-1930 192

Sir,

* Advances - loans - Bellary taluk - Sidiginamola village - L I L 1252/ fasli 1336 - excess payment of Rs.100/- recovery.

Your Ref.F 3414-30-1 dated 23-6-1930.

The voucher in L I L O 1252/ Fasli 1336 was submitted

Enclosures .....

.....

.....

Spare Copies .....

submitted to the Board, along with other records in connection with the appeal of Mr. G. Seshachellam. A reply will be submitted after the return of the voucher to me.

P.S. 30/6.

For Collector. 2/7

2.7.30.

B. F. XXII-A-19—89,500- 22-4-30 (6)

Subject:—

FOR MEMBER

KS (Settl)

Advances - Loans - (Bellary) - Bellary taluk - Sidigiramola village - L.I.L. 1252/36 - Excess payment of Rs. 100/- Recovery.

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

Register No. _____, From the F 4063/30 Q., No. _____, dated _____ 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. Refce. F. No. 3414/30-2, dated 10.7.30. ~~193~~

The voucher in L.I.L.O. 1252/36 is herewith returned.

2 The Collr is requested to acknowledge its receipt.

3. The voucher should be resubmitted along with the report called for in the BD's refce F.3414-30-1 of 23.6.30.

Issued 10/7

8.7.30

8.7.30

9.7.30

9.7.30

To

The Collr of Bellary (with a voucher)

× p.7.cf.

Forwarded by sup? post.

DESPT. 11 JUL 1930

11/7

C.F. 32-(a).

In reply, please quote number, date and short title *

BOARD OF REVENUE LAND REV. & SETTLEMENT

Received 16 JUL 1930

DEPARTMENT.

Registered E 4473

From (Name) C. Bennett, Esq., I.C.S.,

(Designation) Collector of Bellary.

A.S.(Sett)

May be filed

15.7.30

Post Box ....., (Station) .....

Telegraphic Address .....

21.7.30. 22.7.30

To The Secretary to the Commissioner,

Board of Revenue, Land Revenue & Settlement,

Madras.

No. C. 2158/30, dated 15-7-30 192 .

Sir,

* advances - loans - Bellary Taluk - Sidiginamala village - L.I.L.1252/36 - excess payment of Rs.100/- recovery.

Ref.- Your Ref.F.3414/30-2 dated 10-7-30.

Enclosures

p. 7 Cf.

I acknowledge the receipt of the voucher in L.I.L.O. No.1252/36.

Spare Copies .....

B.R.C./15-7

For Collector.

17.7.

C.F. 32

In reply, please quote number, date and short title.*

✓ R.P.S. enclo

Revenue DEPARTMENT. 74807

Received ..... *Registered* .....

From (Name) E. Bennett Esq., I.C.S.,

(Designation) Collector of Bellary.

Post Box ....., (Station) .....

Telegraphic Address .....

To The

Secretary to the Board of Revenue,

Land Revenue and Settlement, Madras.

Ref.C.*No*2158/30A-5 *dated* 6-8-30. 192

Sir,

ENCLOSURES .....
loans records by registered post

SPARE COPIES.....

* Advances- loans- Bellary Taluk- Sidiginamola village- I.I.L. 1252 and 1253 of Fasli 1336- write off of Rs 100- further report submitted.

Ref. Board's Ref. F. 3) 12/30-1 dated 23-6-30 and 3) 12/30-2 dated 30-7-30.

The Government Pleader, Bellary, who was consulted in the matter is of opinion that the payment of Rs 300/- to Kuruba Doddanna should be proved against him before he can be held liable for the amount.

2. The voucher does not bear the signature of any witness The persons who might possibly have been present at the time of payment are the village officers. The Reddi says that he was not present then and the karnam is now dead. There is no independent evidence, therefore, to prove that the amount of Rs 300/- was paid to him. I doubt, therefor if the excess amount of Rs 100/- paid to the party can be legally collected. I request orders for writing off the amount.

3. The voucher and the connected loan records with a copy of the letter dated 31-7-30 of the Government Pleader, Bellary are enclosed.

A.S.N./6-8.

For Collector.

Copy of letter dated 31-7-30 from the Government Pleader, Bellary.

Advances- loans- Bellary taluk- Sidiginamola village- L.I.L. 1252/30- Excess payment of Rs 100- recovery- opinion called for.

The fact that Kuruba Doddappa in question has actually received Rs 300/- (under the voucher) will have to be proved against him before he can be held liable for the amount. If the payment was true, it would be an unauthorised payment and a payment by a mistake of the officer concerned. Article 96 of the Limitation Act applies to such cases and the amount can be recovered from Kuruba Doddapra within 3 years from the time when the mistake was found out. Thus the question is purely one of fact and the burden of proof lies on the Government, independently of the voucher.

2. The excess amount can be recovered only as money paid by mistake by the plaintiff to the defendant. The hypothecated lands cannot be held to be liable for this excess amount of Rs 100/-

3. If, however, it is found the amount of the Rs 100/- was not paid to the said Kuruba Doddapra then it would follow that the voucher and the chitta entry in question do not represent true facts. That would be a matter for further investigation.

4. The records are herewith returned.

True Copy.

For Collector.

A.S.N./6-8.

Subject.— R. F. XXII-A-19—89,600 22-4-30 (S

FOR MEMBER

Advances – Loans – (Bellary) – Bellary taluk – Sidiginamola village – Kurnika Doddappa – L.D.L. 1252/36 – Excess payment of Rs 100 – Write off – Orders passed

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

Register No. _____, From the 74807 – Q, No. _____, dated _____ 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION. Fin. No. 2525, dated 26. 8. 1930

In the circumstances stated by the Coll^r. the Board agrees with him that ~~it is doubtful whether~~ the excess amount of Rs 100 paid to Kurnika Doddappa in L.D. 1252 of 1936 may not within ~~the~~ ~~legally recovered~~ the Coll^r. is therefore requested to write off the amount as irrecoverable.

Issue the necessary orders.

26.8.30.

To the Coll^r. of Bellary.

With the records will be given to Section as they are mentioned in the list of records

C.F. 32

In all letters please quote date and short title.

..... DEPARTMENT. F 5537

Received ..... *Registered* .....

From (Name) E. Bennett Esquire, I.C.S.

(Designation) Collector of Bellary.

Post Box ....., (STATION) ..... ellary.

Telegraphic Address .....

To The Secretary to the Commissioner,

Board of Revenue, Land Revenue and Settlement,

Madras.

Ref. No. 2158/30, *dated* 2.9.30. 192

Sir,

ENCLOSURES .....

SPARE COPIES .....

Advances - loans - Bellary Taluk - Sidiginam village - Kuruta Doudappa - L.I.L. 1252/36 - excess [illegible] write off - [illegible]

Ref. Board's Reference 2525 Lisc. dated 26.8.30.

I request that the loans records L.I.L.O. 125[illegible] and 1253 of Fasli 1336 may be returned to me for taking further action.

For Collector.

R.V. 3.9.

(Bell)

F. 5378/30

Ref. ~~Endt~~ F. 5378/30-1/7 6.9.30.

The loans records L.I.L.O 1252 and 1253 of fasli 1336 are herewith returned to the Collr of Bellary. He is requested to acknowledge their receipt of the same.

6.9.30

6.9.30

6.9.30

Collr of Bellary
by regd post.
(put up below G + K)

C.F.—2.

DEPARTMENT. 75901

In reply, please quote number, date and short title.

Received ..... *Registered* .....

From (Name) E. [illegible],I.C.S.,

(Designation) Collector, Allahabad.

Post Box ....., (Station) Allahabad.

Telegraphic Address .....

BOARD OF REV
P. DRAB
26 SEP 1930
REVENUE

To The Secretary to the Commissioner,

Board of Revenue, United Provinces of Agra & Oudh,

Allahabad.

D. Dis. C. No. 2153/30., *dated* 24.9.30. 192 .

Sir,

Enhanced - Land - Sale of Plum - Sinking of well - Purchase of I.I.L. 1252/30 - Encroachment - Refusal of -

Ref. Your Rev. S. 5670/30. I. dated 6.9.30.

I have the honour to forward herewith the records in L.I.L.C. 1252/ and 1256 of Sheet 1008 of Sirathu for orders of Hon'ble Board.

Enclosures .....

.....

.....

Spare Copies .....

R.V. 24.9.

[illegible] for Collector.

Rs (Sett)

The correspondence may be filed with Rev. mis 2525 D) 26.8.30 at (1)

Mk 30.9.30

TCG Book W

Cole 30.9.30.

S
AS (Cell)

Advances - Loans - (Bellary)
Bellary taluk - Sidiginamole
village - L.D.L. 1252 | 1336 -
Excess payment agst Rs 100 -
Write off Proposals.

F 3414 pp 142 & 6

To asst: Ex:

Please see letter from
the Co: Bellary at
pp 141 & 6

2/. He has not sent
the voucher in question.
The voucher (Form no 12 on
p. 121 of the Takkavi Manual
which contains the
signature of the Ryot
and clearly states the
purpose for which the
amount is need, can
seems, be held to be
a valid legal document
binding the borrower
against disputing the
amount mentioned therein
It is not therefore clear
why the Coll: considers

that the amount is not legally recoverable from the borrower. He may ~~perhaps~~ be asked to consider this aspect of the case in consultation, if necy., with the local Govt. Please send up definite proposals enclosing the memorandum.

Yr. plse draft
Ltr
Cy. 6.30.

P.
6.30
TCG
19/6.30

AS (Sett)

Draft ltr.

Ltr
20.6.30
WP TCG
20.6.30
19.6.30.

S for approval

29/6/30

AS (Sett)

Noted as Reg. 7.34416/30-1 ✓ 23.6.30]

7.48807.

asst. secy.

Please see letter from Collr. of Bellary at p 11 Cr.

and the opinion of the Govt. Pleader at p. 13 c/f

2/. In the circumstances stated it seems doubtful whether the excess amount of Rs 100 paid to the borrow can be legally recovered. For orders whether the Govt may be asked to write off the amount as it is within his pow

3/. To safeguard the interests of Govt in such cases / necessary amendments to note to Rule XXV of the T. Manual. to the effect that in cases has been sub. to Govt. providing that in cases where the claimant is illiterate the receipt should be attested by one or two respectable witnesses.

WB
19.8.30.
TVS
20.8.30

ASE Scott

Draft sub
WB
20.8.30.

No. Bal 59
Main.

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS,

Fort St. George, 7th November 1930.

Enclosures.

The Accountant General,
M a d r a s.

The Assistant Secretary,
Board of Revenue, Land Revenue
and Settlement.

Sir,

Sub:- Write off of excess payment of Rs. 100/- made to one Kumba -- Doddappa of Sindinginamola village in Bellary Taluk.

Please furnish this office with a copy of Boards proceedings Nos. 2325 Mis., dated 26.8.30 and 5378 dated 6.9.1930 on the above subject and also voucher No.L.I.L.O.1252/F-1336 for Rs. 300/- stated to have been sent by Collector with his letter No.C.2158/30, dated 6.8.1930.

I have the honour to be,
Sir,
Your obedient servant,

T.A.

Assistant Accounts Officer.

Subject. — B/7

R. F. XXII-A-19—39,500 22-4-30 (6)

FOR MEMBER.

ASC(Cek)

Arrears - Loans (Bellary) - Bellary taluk, Sidiginamola village - Kuruba Doddappa L.D.L. 1252 of 1336 - Process payment of Rs 100 - Written off -

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :— 1 Ref

Register No. _____, From the Fn 6936-Q, No. _____, dated _____ 193

" " _____, " " _____, " _____, " _____ 193

" " _____, " " _____, " _____, " _____ 193

RESOLUTION: Reference No. 6936/30-F, dated 18-11-1930

or Note [P.T.O.]

A copy of Bp no mis 2525 dt. 26.8.30 and the voucher in loan order L.D.L. 1252 of 1336 are forwarded as desired. The A.G. is requested to acknowledge the receipt of the voucher. Board's reference no Fn 5378/30-F dt 6-9-30, of which also the A.G. requires a copy, simply returned certain records to the Collr.

18/11/30.

Note -

to the A.G. with a copy of Bp mis 2525 dt 26.8.30 [the Collr's letter Fn 4807 dt 5-9-30 etc.) to be read in full] and the voucher in L.D.L. No. 1252/36.

DESPATCHED 19.11.30.

Note

Note.

The amt. of Rs 100 ordered to be written off in Bk. No. 2525 dt 26-8-30 has been shown by the Collr. under "47-Misc - Irrecble - Temply. - Loans - Written off" in September accts. The A.G. has held it under objn. & has made this repn. to the Bd. apparently with a view to examine why the amt. could not be recovered. The Bd. ordered its write off only after obtaining legal opinion.

Bd
17.11.30

F-7334. 8/29 (Ps 280)

GOVERNMENT OF INDIA

Treasury and Audit DEPARTMENT. (Cham)

Army
Cham No. Bel. 350

, the 28th November 1920.

Sante

Acknowledges receipt of your letter No. Ref. F. 6936/30 Accounts
dated 18th November 1920 of Voucher for Rs 3001- reporting
payment to Board Kumbakonam.

S. 49.

DCFF—986AP—(G-146)—1-6-29—2,00,000.

for Asstt. Accounts Officer

CAS 28/11

E F.7334

Rec'd 1.12.

India Service Post Card.

(This side reserved for address, with signature and official designation of sender.)

1-DEC 1930

AS(Sett)

To

The Assistant Secretary to

7334-Overpage

Board of Revenue, Land Revenue

AS(Sett)

and Settlement

The file may now be closed and attached with D.O. No. 2525 dated 26.8.30.

3.12.30

3.12.30

H.S. OFFICE
MADRAS